



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2260

foster care review board; continuation

Purpose

Allows certain nonresidents to adopt children, exempts additional people from the adoption certification process, modifies the period for foster parent training, continues the Arizona Foster Care Review Board (FCRB) for eight years and alters state and local board membership. Clarifies children who may be committed to the Arizona Department of Juvenile Corrections (ADJC). Adds requirements to the Department of Child Safety (DCS) regarding the recent implementation of foster home licensing rules.

Background

Adoption

Before a prospective adoptive parent (parent) may petition to adopt, the parent must be certified by the court as acceptable to adopt children. To become certified, the parent must submit a written application for certification to the court, DCS or a private adoption agency. The court, DCS or private adoption agency investigates the parents to determine if they are fit and proper persons to adopt. Once the investigation is complete, the entity gives the court a written report and recommends to the court whether the parents should be certified. Based on the report, the court certifies the parent as acceptable or nonacceptable to adopt. For applicants who are licensed foster parents in Arizona, the entity provides only an update report on any changes in circumstances since the previous licensure report. Unless there are changes in circumstances that adversely affect the applicant's parenting ability, the court must certify these applicants as acceptable to adopt. Adoption certification is not required if the prospective adoptive parent is: 1) the spouse of the parent; 2) the child's aunt, uncle, adult sibling, grandparent or great-grandparent; or 3) the spouse of a deceased parent or other relative if the child resided primarily with the deceased person and the prospective adoptive parent during the 24 months prior to the person's death.

The Interstate Compact on the Placement of Children (ICPC) is statutory law in all 50 states and a binding contract between member jurisdictions. The ICPC establishes uniform legal and administrative procedures governing the interstate placement of children.

ADJC

ADJC is responsible for all juveniles adjudicated as delinquent and committed to its jurisdiction by the juvenile court. A child may not be committed to ADJC if the child is: 1)

adjudicated delinquent for an offense that is not a felony, unless the child has a felony record or is seriously mentally ill; 2) under 14 years of age; or 3) a dependent or incorrigible child. H.B. 2260 clarifies that if a child meets the requirements to be placed in ADJC, including being 14 or older and adjudicated delinquent as specified, the child may be committed to ADJC even if the child is dependent or incorrigible.

Foster Care

The Statewide FCRB (State Board) was established in 1978 to review and coordinate the activities of local foster care review boards (local boards) that advise the juvenile court regarding the progress made toward permanent placement of children who have been placed in out-of-home care by DCS (A.R.S. § 8-515.01). The Committee of Reference consisting of members of the House of Representatives Children and Family Services and Senate Health and Human Services Committees recommended on December 8, 2015, that the FCRB be continued for an additional eight years.

The FY 2016 budget appropriated \$3,212,300 to the FCRB from the state General Fund.

Provisions

Adoption

1. Deems an adult nonresident, whether married, unmarried or legally separated, as eligible to adopt a child if all the following apply:
 - a) the child is dependent and under the jurisdiction of the Arizona juvenile court;
 - b) the child currently resides in the applicant's home, placed by DCS pursuant to the ICPC;
 - c) DCS recommends the applicant adopt the child; and
 - d) the FCRB has reviewed the child's case as required by statute.
2. Prohibits the adoption from being delayed if the FCRB has not reviewed the child's case.
3. Specifies such a child is not required to be present in Arizona at the time the adoption petition is filed.
4. Allows DCS to contract with an entity to do foster home licensing and preadoption certification investigations and home studies.
5. Permits notice of an appeal of a nonacceptable certification to be given to the FCRB if the child is:
 - a) in out-of-home placement; and
 - b) a dependent child or the subject of a dependency action.
6. Adds the following people to those exempt from preadoption certification:
 - a) great-aunts and great-uncles; and
 - b) licensed foster parents if the child is currently placed by DCS in the foster parent's home, and if DCS recommends the adoption.

ADJC

7. Allows a dependent or incorrigible child to be committed to ADJC if the child is adjudicated delinquent unless the child falls into another statutory exclusion.
8. Requires the FCRB to review the case of a dependent child who is committed or awarded to ADJC as required by statute.

Foster Care

9. Requires 12 hours of foster parent training over the two-year licensure period, rather than 6 hours per year.
10. Requires the FCRB to review the cases of children placed in licensed foster homes as required by statute.
11. Requires DCS to do the following:
 - a) review the implementation of the foster home licensing rules, guidelines and checklists;
 - b) review the cases in which licenses were denied;
 - c) hold public meetings to solicit input from foster families on the implementation of the rules, guidelines and checklists;
 - d) identify any modifications required in the new rules, guidelines or checklists; and
 - e) provide a report of its findings in the review to the President of the Senate and Speaker of the House of Representatives by December 31, 2016.
12. Repeals the above DCS requirements on October 1, 2017.
13. Continues, retroactive to July 1, 2016, the FCRB until July 1, 2024.
14. Repeals the FCRB on January 1, 2025.
15. Permits the presiding judge to appoint employees of child welfare agencies to local boards by removing the restriction.
16. Reduces the size of the State Board by doing the following:
 - a) decreases the public members from 7 to 3;
 - b) requires presiding judges to appoint one local board representative for every 10 boards, instead of every 3.
17. Prohibits the presiding judge from appointing more than six local board representatives to the State Board from any one county.
18. Contains a purpose statement.

Miscellaneous

19. Makes technical and conforming changes.

20. Becomes effective on the general effective date, with a retroactive provision as noted.

Amendments Adopted by Committee

- Allows child welfare agency employees to be appointed to local boards.

Amendments Adopted by Committee of the Whole

- Reduces the number of members on the State Board from 57 to 24.

Amendments Adopted by Conference Committee

1. Exempts additional people from the adoption certification process and allows non-residents of the state to adopt a dependent Arizona child under specified circumstances (S.B. 1415).
2. Allows DCS to contract with an entity to conduct investigations and home studies for foster home licensing and preadoption certifications (H.B. 2418).
3. Clarifies children who may be committed to ADJC (S.B. 1159/H.B. 2349).
4. Modifies the timeframe for foster parent training (H.B. 2270, House Engrossed).
5. Establishes guidelines for DCS to conduct a review, including public hearings, regarding implementation of foster parent licensing rules.
6. Makes technical and conforming changes.

House Action

CFA	1/25/16	DP	8-0-0-1
3 rd Read	2/8/16		56-0-4

Senate Action

HHS	3/2/16	DPA	6-0-1
3 rd Read	3/24/16		28-1-1

Prepared by Senate Research

April 14, 2016

AW/ls